One much smashed whip, one equally smashed ane, one masticated thumb, and one generally disfigured personality, are the exhibits in the case of Benn against Myers which was fought out in Myers's apartments at 439 Fifth avenue at midnight on Wednesday, and came up again yesterday morning in the Jefferson Market dice court. The cane belongs to Henry L. Brooks of 103 West Fifty-eighth street, who says he is a mining expert. The thumb belongs Miss Edua Benn of 429 Fifth avenue, and the whip and general disfigurement belong to Augustus C. Myers, who is in the New York Hospital recovering from his injuries. The other person in the case is Mrs. Maud Brooks, the wife of Mr. Brooks, who went with her friend, Miss Benn, and Mr. Brooks to resent alleged insults to Miss Benn uttered by Myers. All three were arrested by Detectives Lockwood and Barry at the Brooks home yesterday They made no effort to get out of of the police, saving that they expected be arrested and could justify their actions.

As soon as Myers was able to talk early yes morning detectives visited him at the hospital, and he told them that Miss Bean and couple he did not know had come to his rooms while he was out, had weited there for him. and when he came in had demanded from him \$5,000 as satisfaction for alleged slanderous narks made by him about Miss Benn: that so rajused to give them the money, where attacked him in force and, after ng him, endeavored to throw him out his third-story window, and that in that detectives found out that Miss ad been much with Mr. and Mrs. Brooks ioth street police station, where their pedigrees were taken. Miss Bean, who is a le, rather good-looking woman, with reddish brown hair and brown eyes, gave her age as Mrs. Brooks said she was 21 years She has light brown hair and is somewhat theatrical in style. Both women were hardsomely dressed. Brooks, who is 35 years e has an office in Buffalo, and is only in this city for a short time. All were willing to talk about the case, and Miss Benn told her story to Capt. Thomas as follows, being cor-

This man Myers has been bothering me for months. I only met him once and that was After that he took to writing me notes all the ime and he'd sit up there in his window and try to firt with me when I went past. If he asked me once to go to the Hollman House to dinner with him I suppose he asked me a dozen times. I told him I didn't care to go, and did my best to snub him. But he's the kind of man that don't ever think he's been thrown down and he kept right on for a time. When he did find out that I didn't want anything to do with him he began to circulate all kinds of slanderous things about me. Some of them were so bad things about me. Some of them were so bad I can't tell them to you, and every one of them was a lie. It got so that my friends began to think there might be something in them and after two or three people had told me about the thing I made up my mind I would have to de something to stop it. So I went to my friends Mr. and Mrs. Brooks, and told them the whole thing. They said it was too much for any lady to stand and that Myers ought to be horsewhipped and they'd go with me if I wanted to do it."

whipped and they'd go with me if I wanted to do it."

"That's right." put in Brooks. "I said any man that would talk so about a lady just because she didn't like his company ought to get if good."

"After talking it all over." continued Miss Benn, "we decided that the thing to do was to give Mr. Myers a chance to take it all back and apologize like a gentleman, and if he wouldn't do that and promise not to talk about me any more I was to hit him with the whip and Mr. Brooks was to see that it was all fair."

"And I went along because I thought it was an outrageous shame that that man should talk so about Edna," put in Mrs. Brooks.

"When we got to the apartments," Miss Benn went on, "Mr. Myers wasn't there and we waited. As soon as he came in I went up to him and said:

"You've been insulting me, and you know

"You've been insulting me, and you know it isn't a word of it true, and you've got to apolo-

I grabbed it and was pulling it away from him when he leaned down and got my left thumb in his mouth and bit it awfully. Then screamed."
I should think so." said Mrs. Brooks, in-ligantly. "The idea! Trying to bite her

"I should think so." said Mrs. Brooks, indignatily. "The idea! Trying to bite her thumb off!"

"That's where I came in." remarked Brooks, with deep conviction. "I wont stand around and watch a gentleman chew any tady's thumb."

No, indeed!" exclaimed his wife, while Miss Bem looked admiringly at the enunciator of this noble ethical principle.

"Well" continued the narrator, "as soon as Mr. Brooks interfered Myers began to cry like a whipped dog, and I got the cane away from him. The next thing I knew the cane was broken in my hand and Myers had poked his hand through the window pane and was yelling murder. That's how he got cut up so. There wasn't anything more to do, for he'd got what he deserved, and we went out. My thumb was hurt so badly that we went to Bellevue Hospital and had it dressed, and the doctor said it was a bad-bite. He asked if it was a dog bite and I told him it was. I meant to go to the police and give myself up, and Mr. and Mrs. Brooks were going with me, but I wasso nervous after all that had happened and my thumb hurt me so that I thought it would be better to wait till morning. We didn't make any effort to evade the police, and were all waiting to be arrested at the Brooks house this morning. If Myers says that any of us cut him with a knife, that's one more lie. The only serious injuries he got were those he gave himself smashing the window."

This story was substantiated by both the Brookses. Brooks said that he made no motion to interfere until he saw Myers taking what he considered an unfair advantage. He did not think he had hit Myers hard enough to do him any lasting injury. He also paid tribute to Miss Benn's character and said that Myers wanted to ruin her reputation because she had repelled his attentions.

None of the prisoners made any statement when arraigned in court. On a charge of felonious assault they were held for exan, 'nation to interfere until he saw Myers taking when a repelled his attentions.

None of the prisoners made any statement when arraigned in court. On a ch

would be further charged that the assault was aggravated by the display of a revolver. Upon this representation Magistrate Zeller increased tha bail to \$1,000 in each case. When Lowenthal returned with cash bail to the extent of \$1,500 he found that the increase had been ordered and protested, but in vain. Again he went out to collect more cash, but when court closed he had not returned and the prisoners were locked up in the court prison. They seemed cheerful. Miss Benn carried her bandaged thumb with particular delicacy and from time to time caressed the bandages.

Myers's wounds were not serious, though he lost a great deal of blood. At the hospital last night he gave his version of the row to reporters. Miss Benn, he said, was an acquaintance of his of two weeks standing and she had taken him to the home of the Brookses and introduced him to them.

When I opened the door of my rooms last night, said Myers, "Miss Benn was standing behind it. She snapped the door shut and put a pistol in my face. She told me that I had ruined her in the estimation of her friends by taking her character away from her and that she intended to leave the city, but before she went she was going to get some of my money. I laughed at her and told her that while I had money she was not going to get some of my money. I laughed at her and told her that while I had money she was not going to get any of it. Then she snapped the trigger, but the pistol failed to explode I saw that I was in a tight box so I said that I had no money withme. Then she snapped the trigger, but the flight Miss Benn's thumb got into my mouth and I admit that I bit it. She yelled loudly and then Brooks attacked me and beat me also. The three of them rushed me back against the window and tried to throw me out of it, but I managed to get away by fighting hard. They did push me through the window, however, and that's the way my arm was cut."

Myers's rooms at 430 Fifth avenue looked yesterday morning as if somebody had advocated the Analo-American alliance at a pro-

Alyers's rooms at 439 FIRE avenue looked yesterday morning as if somebody had advocated the Anglo-American alliance at a procated the Anglo-American alliance at a problem to the solution of the carpet and even the walls tood on its head, the carpet and even the walls were splashed with blood, a big hole was gouged to one side of the wall as if somebody had hurled a chair at the spot and the bits of the shattered.

WHY MYERS WAS THRASHED

MED DEFAMED MISS BENN, SHE SAYS;
HE TALKS OF BLACKMAIL.

Miss Benn's Thumb Chewed in the Fight
—she and a Couple Named Brooks, Who
Went With Her to Do Myers Up, Arrested
—Myers Not Badly Hurt—His Version of It.
One much smashed whip, one equally smashed

time."

Nobody else saw any of the three visitors except the janitor, Charles Nelson, who tried to hold Brooks in the hall but didn't succeed, and David Kalish, a district messenger boy who had been summoned by Nelson and arrived at the door just as Mrs. Brooks came out. Nelson met him and asked him to get a policeman. Miss Benn, who was coming down the stairs, heard the request.

"There's no use getting the police," she said to the boy. "The trouble is all over now. Go back to the office." once to the office."
"Who pays me the 10 cents for this call?"
asked the boy.
"See Mr. Myers about that," he says Miss
Benn told him. The boy went upstairs, saw
Myers and then called the police.

COOPER UNION PROSPERS.

This Has Been a Remarkable Year in Its Fi-

nancial His ory - Commencement. The forty-first commencement of the Cooper Union Schools was held last night. The Rev. Dr. John P. Peters opened the exercises with prayer. The exercises included orations on Science Man's Servant," by John D. Thiesmeyer. Jr.: "Technical Education," by Samuel Ring: "Engineering," by Joseph P. McLean; | of the firm of Strong & Cadwalader. Mr. The Evolution of Science," by Frederick Kloepfer, Jr., who was the valedictorian of the class, and "Japanese Art," by Miss Helen E. Harrison. Twenty-three degrees of bachelor of science, four of civil engine r, and one of mathematical engineer were conferred and nine diplomes for a course in chemical analysis and ten diplomas for a course in the Woman's

and ten diplomas for a course in the Woman's Art School were awarded.

The A. A. Low, Frederick A. Lane, Robert C. Goodhue and trustees' medals were awarded as follows: Oil painting, pertrait, silver medal to Esther M. Jacobson; bronze medal to Cornella H. Meyer. Oil painting, still life, silver medal to Miunie I. Van Syckie; bronze medal to Emity A. Phelips, Water color, bronze medals to Cordie M. Chase and Roberta Herron. Drawing from life, silver medal to Gertrude Heubsch; bronze medal to Gertrude Heubsch; bronze medal to Katharine S. Craven. Drawing from the antique, silver medal to May Noble; bronze medal to Alice J. Crosby. Elementary cast drawing, silver medal to May Noble; bronze medal to Alice J. Crosby. Elementary cast drawing, silver medals to Susan D. Runyon and Edith L. Lang; bronze medal to Alice Noble. First-wear designing, bronze medals to Stella R. Peters and Celia A. Boyken. Second-year designing, silver medal to Louise L. Dauner; bronze medal to Harriet E. Hall—all of the Woman's Art School.

The Wilson G. Hunt prizes were awarded

silver megal to Louise L. Dauner: bronze medal to Harriet E. Hall—all of the Woman's Art School.

The Wilson G. Hunt prizes were awarded as follows: \$15 in gold to John Ellendt, for mechanical drawing: \$15 in gold to Charles L. Herekes, for architectural drawing: \$10 in gold to Louis Keila, for cast drawing: \$10-in gold to Charles Smith, for form drawing: second prize of \$10 in gold to Michael Vormwald, for mechanical drawing.

The Hon. Abram S. Hewitt, Secretary of the Board of Trustees, in his annual report, said that the year had been a remarkable one in the financial history of the Union. Andrew Carnegie's gift of \$300,000 will be utilized to enlarge laboratories so as to allow a day course in science. Edward Cooper and Mr. Hewitt have undertaken to increase the income from this fund to \$10,000 ayear. John E. Parsons's gift of \$5,000 will be put in the general fund. The legacy of the late John Halstead which will come to Cooper Union after the death of Mrs. Hannah C. Wibert, who has a life interest in it, will amount to fully \$100,000 as the estate has turned out much more valuable than was originally supposed. This fund will be preserved in Mr. Halstead's name and will be devoted to some distinct section of the work of the Union.

The Board of Trustees recommended that the Sixty-ninth Regiment armory be acquired at the proper time from the Commissioners of the Sinking Fund for use as a library and museum, as more room would be thus allowed to that branch and the present library quarters could be turned into laboratories.

FOR HAVING WASHED STAMPS.

About \$3,000 in Them Are Found in the

John P. Morgan, 20 years old, and George Morgan, 22 years old, of 142 Lawrence street, and Charles Brower, 23 years old, of 291 Classon avenue. Brooklyn, were arrested early yesterday morning on a charge of violating the Intersoon as he came in I went up to d:

d:
neen insulting me, and you know d of it true and you've got to apology to bluster—he's a big man, you wasn' afraid of him—and he said be bullied and we were to get out. I hit him across the head with

Internal Revenue Office.
The Morgan brothers hired a furnished room The Morgan brothers hired a furnished room at 142 Lawrence street ten days ago and a number of young men visited the place at night time. The landlord was suspicious of his new tenants and notified Police Captain Dunn of the Adams street station. During the absence of the tenants, a detective entered the room and found a large quantity of revenue stamps, some of which had been washed and regummed. It is estimated that there was \$3,000 worth of these stamps, each of which was of the dollar denomination and about one-third had been washed and regummed preparatory to selling.

DOCTOR HURT IN A CAR COLLISION. Stepped on the Runboard to Jump and Was

Pinned Against an Elevated Pillar. A Second avenue trolley car and an Eightysixth street crosstown car collided yesterday afternoon because the trolley car didn't stop to afternoon because the trolley car didn't stop to allow the horse car to rass. Dr. Justin Herold of 325 East Eighty-seventh street, who was a passenger on the horse car, seeing that a collision was coming, stepped on the runboard to Jump to the street, and, the car being knocked off the track, was jammed against an elevated pillar. The car had to be pulled away before he could be released. He was taken to the Presbyterian Hospital with a badly crushed leg. The motorman was locked up.

New Scholarships at St. Frrnels Xavier's. Eight scholarships in the preparatory department of the college of St. Francis Xavier will be open for competition this year. They are: the Mrs. Anna H. B. Ward Scholarship, the Mrs. Mrs. Anna H. B. Ward Scholarship, the Mrs. Daniel Devlin Scholarship, the Hugh O'Donoghue Scholarship, the Joseph J. O'Donoghue Scholarship, the Daniel O'Connor Scholarship, the Louis Benziger Scholarship, the Propaganda Scholarship and the Peter J. Connolly Scholarship. These scholarships entitle the holders to a full four years' course in the preparatory department connected with the College of St. Francis Xavier, and will be awarded to the eight graduates of grammar schools, public and parochial, who attain the highest percentage in the examinations to be held for the purpose on Sept. 4 and 5 at the college, 30 West Sixteenth street.

The Kearsarge at Tompkinsville.

The battleship Kearsarge, our most powerful war ve el in commission, arrived essterday from Norte's and anchored off Tompkinsville. from Noric's and anchored off Tompkinsville. She is the first of the superposed or double turret battleships. She wears her peaceful garb of white and below the water line an accumulation of barnacles and time that she will get rid of in the drydock at the eavy yard in Brooklyn within a few days. She will nome up to the yard to-day and go into drydock o-morrow. She has been here twice before. At or her hull is put in condition she will go to Newport and join Admiral Farquhar's North Atlante, squadron. She is commanded by Capt. William F. Folger, who had the cruiser New Orleans the Cuban waters during the Spanish war.

Accused of Trying to Cheat Bookmakers.

Fred Miller, 33 years, of 262 Bowery; James Hughes, 25 years, of 367 West Thirty-first street, and John Say, 24 years, of 134 West Twentieth street were arrested yesterday afternoon at the Gravesend racetrack by Policeman Conway, charged with making out false tickets and attempting to collect money on them from the bookmakers in the betting ring. All three were locked up in the Coney Island police station and will be arraigned in court this morning.

In proceedings brought by the Brooklyn Wharf and Warehouse Company for a volun-Wharf and Warehouse Company for a vountary dissolution. Justice Andrews of the Supreme Court yesterday appointed the United States Morizage and Trust Company temporary receiver with power to continue the business, and made John H. Judge referee to take proof of the condition of the company. The same trust company has been in charge on nother appointment as receiver in proceedings to foreclose a mortgage.

Purchasing Agent for State Hospitals. F. A. Wheeler, steward of the Long Island

F. A. wheeler, steward of the Long Island State Hospital at Kings Park, has been appointed general purchasing agent for the five divisions of the Mannattan and Long island State hospitals. The solary of the place is \$1,000 a year. The office was created by an act of the Legislature this year and the appointing power was vested in the superintendents of the five hospitals.

THE CONSTITUTION ON ICE.

-But Peckham Says That if Their Replies Would Incriminate Them They Themselves

LAWYERS ASSERT THE MAYOR'S RIGHT NOT TO ANSWER. And Also That of the Dock Commissioners et al

Must Say So-Justice Gaynor to Decide. Whether the Mayor, John F. Carroll, the Dock Commissioners and Andrew Freedman will have to tell what they know about the ice pusiness in New York, will depend upon how Justice Gaynor construes some fine law points that were raised before him yesterday morning during the argument on a motion made to vacate the order obtained by five members of the Municipal Assembly, commanding the Mayor and all the other gentlemen mentioned above to appear before him and answer questions that should be put to them relating to docking and other privileges enjoyed by the American Ice Company. When the battle of Leich et al. vs. Van Wyck et al. as the case s designated, was called by Justice Gaynor in Part I of the Supreme Court yesterday morning, all the parties in interest were present The Mayor was accompanied by his brother, Augustus, and his counsel, Charles J. Patterson John F. Carroll was there, attended by his lawyer, Samuel Untermyer. Dock Commissioners J. Sergeant Cram, Charles F. Murphy and Peter F. Meyer were there, the first two having for their counsel John F. Cadwalader Meyer evidently thought it wasn't necessary to have a lawyer. De Lancey Nicoll represented Charles W. Morse, President of the American Ice Company, who sat next to Mr. Carroll, and in front of John D. Schoonmaker, Vice-President of the company. The plaintiffs were represented by Wheeler H. Peckham and J. Noble Hayes.

Mr. Patterson said the order should be va-

and J. Noble Hayes.

Mr. Patterson said the order should be vacated for two reasons—first, section 1534 of the Charter, under which the order had been obtained, was unconstitutional, because it placed upon a justice unjudicial functions; and second, the section of the Charter was in contravention of both the Federal and the State constitutions, which provide that no citizen can be compelled to give testimony against himself.

In support of his contention that the section imposed upon the court unjudicial functions and was therefore unconstitutional, Mr. Patterson said that it did not empower the court to pass upon the evidence or to do anything else with it, except to see that it was reduced to writing and filed with the County Clerk.

Then Mr. Patterson added:

"On this ground I have taken the responsibility of advising the Mayor not to submit himself to such an inquisitorial fishing excursion, especially when he is brought here by his political enemies. I have advised him not to submit to a roving, irresponsible cross-examination, which is not held even for the purpose of informing the Executive, but purely for the purpose of placing in the county court house a certain amount of testimony which the public can read."

Mr. Patterson sald the Mayor was charged with no specific crime. He was simply haled to court that his adversavies learn what his position was on certain matters, so that they hight if possible, find a ground for bringing some criminal action or formulating some definite charges.

Mr. Cadwalader argued that the application

charges.
Mr. Cadwalader argued that the application

charges.

Mr. Cadwalader argued that the application for the order had been signed by "five responsible citizens, at the behest of a newspaper, and they might as well have been organ grinders." He contended that the heads of a great city department should not be compelled to produce the records of their department and be crossquestioned by any inquisitorial outfit which might happen to bob up, no matter how well disposed the inquisitors might be.

Mr. Untermyer argued in behalf of Mr. Carroll, that the section of the Charter under which the action was taken applied only to certain officeholders of whom Mr. Carroll was not one.

Mr. Peckham arose to reply to Mr. Patterson. He had only spoken a few words, when Mr. Untermyer interposed some objection to something Mr. Peckham had said. Mr. Peckham was clearly annoyed and, turning toward Mr. Untermyer, said:

"I must request our friends to possess their souls in patience; especially my active young friend, Mr. Untermyer, the springs of whose being are constantly propeiling him to an erect position."

being are constantly propelling him to an erect position."

Then taking up his argument again, Mr. Peckham said he was surprised that the Mayor's counsel should seek refuge for his client behind any such small contention. He said he hadn't supposed that any of the city officials summoned desired to conceal any of their official acts from the public.

That section of the Charter was deafted.

the public.

"That section of the Charter was drafted," said he. "for the purpose of giving the tax-payers an opportunity to discover what has become of their money. The question in this particular case is whether these men, like the old kings of England, are using their powers to grant monopolies and thereby fill their own pockets, or whether they are doing their duty and obeying the law. This is surely a question into which the judiciary can examine."

Mr. Peckham went on to say that the courts

the court decided that they had not been well taken, it would then award costs to the respondents. "Is that not a judicial function?" asked Mr. Peckham.

"Now they also say," continued Mr. Peckham, "that they cannot be compelled to incriminate themselves. The courts have decided that before the question can be raised the witness must be asked the question and then it is for him to declare if it will incriminate him. He is himself the arbiter, the court cannot decide it. It has been decided and reaffirmed that a man cannot be forced to testify to facts that may be used against him, but that testimony which he has not given but has been, perhaps, the means of furnishing shall be kept upon the record. Supposing for example, that we ask a Deck Commissioner to produce the records of the Dock Board, of which he is the custodian, but which belong to the city. produce the records of the Dock Board, of which he is the custodian, but which belong to the city. Can he claim that the production of these records will incriminate him? If these public officials at our first question refuse to reply, on the ground that an answer would incriminate them, we want to know it now; and we want to have them say so themselves and not through counsel."

to have them say so themselves and not through counsel.

Mr. Nicoll confined himself almost entirely to the constitutional question relating to persons not being conneiled to testify against themselves. He held that so long as testinony given at a hearing provided for under the section might form the basis, even of a criminal action, it took away from the citizen his constitutional privileges, and therefore this particular proceeding could not go on. He cited the case of Jacob Sharp and the boodle Aldermen in support of the point he raised.

At the conclusion of Mr. Nicoll's argument Justice Gaynor said he would receive briefs not later than Saturday noon and he would adjourn the case until one week from Saturday, when he would dispose of it if it took till 10 o'clock at night.

he would dispess of it if it took till no o'clock at night.

The hearing on the petition for the annulment of the charter of the American Ice Company which was set down for 11 o'clock yesterday morning before Myer Nussbaum, referee, was adjourned until 2 o'clock to-day.

Clerk Carroll of the General Sessions, John F.'s brother, received yesterday from Magistrate Zeller's court the complaint and other papers in the ice trust prosecution. The District Attorney's office holds that as the defendants were accused of a mi-demeanor, their case should go to the Court of Special Sessions for trial, as provided by the Charter. When Clerk Carroll received the papers he stamped them in the usual way, "Received at the Clerk's office, Court of General Sessions," with the date of receirt. Assistant District Attorney Unger, could not say last night just how the papers could be got into the clerk's office of Special Sessions Usually where civil and criminal proceedings relative to the same matters are rending the criminal proceeding is delayed until civil adjudication is reached.

Mr. Unger said he supposed that this criminal prosecution would be allowed to rest until the various chases of the civil prosecution are determined.

COMMERCIAL GAZETTE SOLD.

Pittsbur Newspaper Purchased by George T. Olive: - It Will Support Quay.

PITTSBURG, Pa., May 31. Yelson P. Reed & Co., owners of the Pittsburg Commercial Gazette, sold the paper this afternoon to George T. Oliver. The new owner took hold to-night and will announce editorially tomorrow that the Commercial Gazette will morrow that the Commercial Gazette will continue to be a Republican paper. George T. Oliver is a brother of Henry W. Oliver, the former Congressman and wealthy steel manufacturer who has been stoken of as M. S. Ousy's candidate for the Senatorship, if Quay should fall to land the prize himself at the meeting of the next Legislature. The Commercial Gazette will support Quay.

JOTTINGS ABOUT TOWN.

B. Altman & Co. announce that they will close their store at 12 o'clock noon on Saturdays during June, July, August and September.

Arnold, Constable & Co., as has been their custom for years, will close their store Saturdays at 12 o'clock noon during June, July, August and September.

Lucy C. Lillie of 314 East Forty first street, who has written books for children, was committed for six months to the House of the Good Shepherd yesterday from the Yorkville Police Court, She was charged by her landlady with being a habitual drunkard. by her tanding with being a Embitual drillians.

Edward B. Amend was yesterday appointed a trustee of the College of the City of New York by Mayor Van Wyck, in place of Herman Ridder, who resigned on Tuesday immediately on being notified of his appointment. Mr. Amend is Mr. Ridder's brotherm law, and is a lawyer at 119 Nassau street.

To Lovers of Good Food.

Many of the best products of the baker lose their goodness before they reach the consumer. To overcome this has long been the greatest problem of baking science. Now we have solved it. The wonderful package used for the preservation of Uneeda Biscult proved to be the method which all bakers were seeking. It is airtight and moisture proof. Dust and odor can not penetrate it. The delicate freshness and flavor of the contents cannot escape. Whether you live next door to the baker or in the most remote part of the country, the baker's best products will reach you as fresh and crisp and good as when they were drawn from the oven. The following biscuit baked by us are now to be had in this wonderful In-er-seal package.

Soda Biscuit Milk Biscuit **Butter Crackers** Saltines **Banquet Wafers** Sultana Fruit Graham Biscuit Sea Foam Oatmeal Biscuit Ginger Snaps Handmade Pretzelettes Vanilla Wafers

The genuine package is patented and contains only our products. It can always be identified by the design of the In-er-seal on each

> NATIONAL BISCUIT COMPANY.



RAMAPO VERY MUCH ALIVE.

COMPANY GIVES CHARTER REVISERS FIGURES ABOUT WATER.

Says It | Can Furnish Water | Cheaper Than the City Can and That Croton Costs Us \$100 to \$500 a Million Gallons-Miscellaneous Suggestions for Charter Revision. The Charter Revision Commission

VIII., Supreme Court, yesterday afternoon, to give the citizens of this borough an opportunity to express their views on the matters that they have under consideration.

The most interesting event of the hearing, showing as it did that the Ramago Water Company is still very much alive, came when Herbert R. Limburger addressed the commission on the matter of a water supply for the city. He said that he came before the commission to urge it not to come to any definite decision on the matter of municipal ownership of the water supply until it had had an opportunity to look a little further into the matter. Mr. Limburger said that he represented the Ramapo Company, and said that he would show that it was to the best interest of the city to get water by whatever means was the cheapest. It was a question, he said, whether municipal ownership was cheaper than buying from private owners, and he meant to show by figures that the citizens of New York are being robbed in

the matter of water charges. "Although our figures may be looked on with suspicion, coming from such a terrible source,' said Mr. Limburger. "we will present them and leave you to judge as to their honesty. It is false that the city is paying \$35 a million gallons for Croton water. Under the present rate the resident pays from \$100 to \$500 for that amount of water. My figures have been investigated by Mr. Birdsall, and they are correct. I would like permission to aid your body in artiving at a definite conclusion in this water

Mr. DeWitt wanted to know if the Ramapo Company could furnish water cheaper than the city could, and if so, why. Mr. Limburger replied that it could for many reasons. One reason was that it was not bound by any labor laws, and could get cheaper labor than the city. DeputyComp'roller Levey spoke up and said that the lawyer was wrong; the company would be bound by the labor laws. Mr. DeWitt asked Mr. Limburger if his company would not have to assert the city's right of eminent domain in order to get water. The lawyer responded that seven men could get together, organize a company and assert the right of eminent domain.

"What we have done," he said, "has been to take options up the State and file our maps in various counties. And now we do not mean to it down and cross our hands."

Commissioner Bartlett wanted to know if the Ramapo Company meant to get the contract first and then go out and get the water. He also wanted to know what the general scheme was and how the company could give the city water cheaper than it could bring it down itself. Mr. Limburger said it was possible to bring water down cheaper because the company meant to combine the bringing of water with the production of electrical power.

R. Fulton Cutting appeared for the Association for Improving the Condition of the Poor. He attacked the policy of salaried commissionerships. He thought that unsalaried officials at the heads of city departments would result in far better service to the city as it would make them posts of honor, which would be sought by a class of men that no amount of salary could induce the enter the service. to assert the city's right of eminent domain in

a class of men that no amount of salary could induce the enter the service.

James W. Pryor, for the City Club, said it was the sense of his organization that the Mayor should have the rower of removal during his entire term, but that no head of a department should be removed save for good cause. Mr. Pryor also thought that the Municipal Assembly should be made up of one body, that the city should own its water supply and system of docks, that the Police Department should have a single officer at its head and that the Bureau of Elections should be entirely separated from it.

of Elections should be entirely separated from it.

William E. Rogers presented a scheme of borough autonomy, and stated that it would be a proper thing to provide in the Charter that all moneys collected in a borough be spent in that borough and in no other. Henry Marcus wanted tax appraisers elected by the people and the City Chamberlain's office abolished. Miss Draper asked that the powers of the City Surerintendent of Schools be extended. John F. Doyle, who appeared for the Real Estate Board of Brokers, submitted a brief in which his association advocates the ownership by the city of all sources of water supply. The board also had suggestions to make on every one of the matters mentioned in the circular letter of the Commission.

Have You Selected Your Sailor Hat? If you haven't, go to O'Neill's for it. They have the best and largest line in New York. 6th av., 20th to 21st 5t. - Ada,

Claimant a Young Butler-Estate Said to Be \$250,000.

George Marchand, a butler, 24 years old. says he is the lawful son of George Marchand. who was supposed to be a bachelor when he died on March 8 last at 43 West Tenth street, aged 77, leaving an estate worth, it is estimated. On his motion Surrogate Fitzgerald \$250,000. is to appoint a referee to pass on his proof of descent. The claimant does not in his papers his mother has married again and is now Mrs.

Adele Signey. The son lives at 103 Christopher street. Lawyer Isaac V. Schavrien, who represents him says he is not at liberty to give the circumstances of the marriage. He would not say yesterday whether it was a commonlaw marriage or ceremonial. He said that the realty left by Marchand included the northeast corner of Broome street and South Fifth avenue, property at Broome and Grand streets, and seven or eight houses on Wooster, Houston and Prince streets. Lawyer Schavrien said that he was convinced that the decased has left a will, but that Condert Brothers, who represent the kin, have not found it yet. The lawyer said he could prove that the old man said about a year ago that he would provide well for his son. The son had been on visiting terms with his father, but had not seen him for two years before his death as the father had been away or ill. his mother has married again and is now Mrs. Letters of administration were issued on the old man's death to a niece. Mrs. Agnes Firnck Hart and her husband. Patrick A. Hart as guardian for four grand-nephews and grand-

STOLE, THEN TURNED GAS ON. Thief Risks Killing Several Persons to Insure His Escape.

A thief entered Mrs. Emma J. Walker's boarding house at 243 West 135th street early vesterday morning and after plundering the apartments of Mr. and Mrs. Henry Weiner on the second floor turned on the gas and made his escape. Mrs. Weiner awakened just in time to prevent herself and husband being cv-reome and possibly asphyxiated. When the rooms were examined Mr. Weiner's gold watch and chain a check for \$5,000 on a bank in Honduras, \$300 in money, some of Mrs. Weiner's diamonds and four tickets passage on the steamship Fuerst Bismarck, sailing yesterday, were missing. Word was at once sent to the steamship company that the tickets had been stolen, but a few minutes before 6 o'clock a district messenger boy came to the house with a letter addressed to Mr. Weiner, which it was found, contained the four tickets. A few lines pencilled on a piece of raper accompanied them. The note said that the thief could not use the tickets in his business without risk of being his escape. Mrs. Weiner awakened just in tickets in his business without risk of being

CLEVELAND DEAD POLITICALLY.

Long Ago, Magistrate Pool Assures a Wearer of the Ex-President's Campaign Button. Policeman Hewltt arraigned Thomas Mechan and Gustave Knoss in the West Side police court yesterday on the charge of fighting in the Knoss wore a small badge in his coat

lapel. "You aren't a Grand Army man, are you?" asked Magistrate Pool, who is near-sighted. "Oh, no," replied Knoss, "that's a Grover Cleveland campaign button."
"You ought to know," replied the Magistrate slowly, "that Grover Cleveland is dead, politically—long ago. You are fined \$1. Step down quick."

Trained Nurses Graduate.

The twenty-fifth annual commencement exarcises of the New York City Training School for Nurses on Blackwell's Island were held yesterday afternoon in the City Hospital chapel. Twenty-seven young women received their first diplomas and thirteen finished the post-

WEDDING GLASSWARE ATTRACTIVE PRICES Dorflinger's

15 Broadway, acar 21st Street
36 Marray Street, New York

SAYS HE'S RICH OLD MARCHAND'S SON. FEES OF DEATH-TAX APPRAISERS

Got on the List This Year. Comptroller Coler, who thinks that too much of the money collected under the Inheritance Tax law goes to lawyers who are appointed special counsel and to appraisers, gave out another statement yesterday, showing the amount of money paid out to these appraisers in the past two and a half years in this county.

Up to March at of the present year appointments as appraisers were confined to about a half a dozen men. Charles D. O'Connell drew about \$20,000 in fees from the State in that time, and Gilbert W. Minor was a close second with about \$11,000. Waiter H. Cogaeshall collected \$10,100 in fees and Charles S. Wilbur, \$7,700. The total amount paid out to these especially appointed appraisers was \$79,670.

Many of the men who enjoyed appointments as appraisers of estates in the early part of the period mentioned appear to have been forgotten after March 31 of the current year, at dother names of Robert Mazet, Sanuel T. Carter Jr. Assemblyman Fallows's law partner, and George C. Arstin on the list for the first quarter of 1900. There has been a great deal of talk over Assemblyman Fallows's fee of \$10,000 as special counsel in the collection of the tax on the George Surrogate Arnold, at which time the fees obtained in the business of winding up estates came to notice. Mr. Fallows's feinds seem to have got in about the same time as the Assemblyman.

VIRGINIA'S MAN HUNT.

Successful So Far as a Test of Dogs Was Concerned-Came Near Being a Tragedy.

SUFFOLK, Va., May 31. The man hunt here to-day was a success as a test of the dogs used. officials, coatless men, merchants, small boys and negroes followed in the wake of the bloodhounds, and saw two men treed like squirrels. The quarry were Albert Wilson, white, aged 19 and John Ward, a negro, 21 years old. The affair came much nearer being a tragedy than its promoters, both e unty officials, Deputy Sheriff Norfleet and Detective Branch had flaured on Exhausted by a long run and maddened by the hot seent, the bloodhounds failed to bay lourly at the end, and they were almost upon the pursued before the men knew it.

The men were tired and hot and had sat down in the shad. The nearo first saw the hounds which were only fifty varies away, and warned his white colleague. They ran to save t eir limbs and lives and elimbed small oak saplings. The quarry had two hours and twenty minutes start. A great crowd gathered at the race course of the suifolk Fair Association to see the does unchained and a thin snake-like stream of late-concers stretched northward toward Suifolk. The hounds darted away like the wind, their resonant voices ringing through forest and field. The quarry was overtaken six miles in an air line from the start, Officials, coatless men, merchants, small boys

VENEZUELAN REVOLUTION OVER. Capture of the Rebel Chief, Hernandez, Put an End to the Trouble.

There seems to be no doubt that the capture of Gen. José Manuel Hernandez, the Venezuelan rebei chief, last Sunday, has terminated
the revolution against the Government, Col.
E. Gonzalez Esteves, Consu'-General of Venezuela in this city, received a cable despatch yes
terday from Minister of Foreign Affairs
Anduez: Palacio, which said that the rebels remaining of Gen. Hernandez's forces have surrendered to the Government. Several loyal
Venezuelan residents here sent the following
cablegram to President Cipriano Casiro:

"We unite as patriotic Venezuelans in extending to you and all the country our heartiest
congratulations on the restoration of peace in
the country. Prosperity will now come as a
result." of Gen. José Manuel Hernandez, the Venez-

NEW YORKERS BUY CONGRESS MINE. Syndicate Headed by Warner Miller and John

W. Mackay Pays \$1.500.000 for It. PHENIX, Ariz, May 31. The Congress gold mine, sixty miles north of Phonix, has been sold for \$1,500,000 to a New York syndicate including Warner Miller and John W. Mackay.

The Table Tonic Saratoga Arondack Water

Fresh every day from the famous spring at Saratoga. Used as a table water there is no need of medicine to aid digestion. Order it at grocers, druggists, cafés, and hotels. The Arondack Spring, 1362 Broadwa s.

THE RUG-BEATER'S TRIUMPH

VICTORY FOR MR. LORD IN THE JENKINS-LORD FEUD.

Court Not Be Persuaded That the Dust From Mr. Lord's Carpets Really Got Into Dr. Jenkins's House - Weather Bureau Helped to Win the Day by Telling How the Wind Was.

that the dust from the beaten rugs of George Osgood Lord escaping into the air probably does not mount the eight-foot board fence separating Mr. Lord's yard from that of his neighbor, Health Commissioner William T. Jenkins, and, entering the Jenkins home, act detrimentally on the health of the Jenkins family. This is another way of saying that Mr. Lord's negro butler, Edgar Cauthorne, who was wice arrested by policemen of the Richmond borough sanitary squad for beating rugs on the Lord premises at Rosebank, Staten Island, was tried and acquitted yesterday by the Richmond borough Court of Special Sessions at New Brighton.

The first complaint before the court was that made by Sanitary Policeman John W. Journeay, who arrested Cauthorne on April 20 last, charging him with violating section 119 of the Sanitary Code in beating or agitating a rug or carpet in such a manner or place as to be detrimental to the public health. Journeay testified in answer to questions by William M. Mullen, acting as Assistant Corporation Counsel in the prosecution, that he was in the dining room of Dr. Jenkins's house on April 20 at noon when particles of dust blaw through the window from a rug being beaten b Cauthorne in Mr. Lord's back yard about forty feet away.

"Did you see dust blow into the room from that distance?" inquired Presiding Justice

"Did you see dust blow into the room from that distance?" inquired Presiding Justice Courtney.
"Yes, sir," replied the witness.
"Did you personally feel the effect of the dust?" continued the Justice.
"No, sir I can't say that I did," replied Journeay. The witness further testified that the ring was about 12 by 16 feet in dimensions, that the Jenkins house was north of the Lord house and that the wind was south-southeast. Journeay said he had been a waserman and knew the direction of the wird. The velocity of the wird, he asserted has about eight miles an hour and an eight-noot board fence senarated the two place.
"There must have been a good deal of dust in that ring for the particles to have been blown into Dr. Jenkins's residence by that light wind," observed Justice Courtney.

The defence then produced a document from the Weather Bureau showing that the wind at the time of the arrest was northwest or away from Dr. Jenkins's house, and this was admitted in evidence. Lawyer Shortt moved to dismiss the complaint but the motion was denied, Justices Forker and Keady holding that a prima facte case had been made out. Justice Courtney dissented.

Mr. Lord then took the stand. He produced a diagram showing a distance of forty-nine feet from the ring to the high board fence and about twenty feet to Dr. Jenkins's house on the other side. He said that Dr. Jenkins's dining room window was below the top of the board fence while the ring was also below it on his side. The ring was 6 by 9 feet and was beaten every week, so that no unusual amount of dust could have been in it.

"Have you had any difficulties with Dr. Jenkins's family?" asked Mr. Shortt, but Mr. Mullen objected and this line of questioning was not allowed.

The butler testified that he did not see any toward the Jenkins house. The court then retired for a consultation and returned with a verdict for the defendant.

The complaint of Sanitary Policeman John B. Idlet was then taken up. He said that on April 14 he was sitting in Dr. Jenkins's house when her the

floor. He did not know in what direction the wind was blowing.

Mr. Lord, who was present at the time of the arrest, testified that the wind was blowing from the northwest and a document from the Weather Bureau was admitted in evidence corroborating this. Mr. Lord said that the wind was blowing almost a gale. The restimony showed that this rug was of the same size as the other one. The court in this case also acquitted the butler. None of the Jenkinses was in court.

Dividend Declared by the Cramps

PHILADELPHIA, May 31.—The annual report of the Treasurer of the William Cramp & Sons' Ship and Engine Building Com-A Sons' Sup and Engine Building Company made at the annual meeting of the stockholders to-day showed that the gross earnings for last year were \$7,791,500, and the net profits, \$336,262, an increase of \$205,014 over the previous year. The surplus of assets over liabilities is \$1,848,049. A quarterly dividend of 1% per cent was declared. The eld Board of Directors was reclected.